

January 26, 2009

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Permit Application

1. Applicant: Florida Department of Transportation District One
801 North Broadway Avenue
Bartow, FL 33830
2. Location, Geographic Position, Existing Conditions, Project Description, Changes to Project:
 - a. Location: The project site involves proposed impacts to unnamed wetlands and surface waters located along US 17 from the Charlotte/DeSoto County line to SW Collins Street, in Section 1, Township 40 South, Range 23 East, Section 6, Township 40 South, Range 24 East, and Sections 18, 19, 30, and 31, Township 39 South, Range 24 East, and Sections 24, 25, and 36, Township 39 South, Range 23 East, in Charlotte and DeSoto Counties, Florida. The project is within the Peace River Watershed.
 - b. Latitude/Longitude:

Latitude	26.905789 N
Longitude	-81.911505 W
 - c. Existing Site Conditions: The project area includes approximately 159 acres, with 8.31 acres of wetlands and surface waters within the project boundaries. The wetlands consist primarily of palustrine emergent freshwater marsh systems, with some areas that are the herbaceous fringes of forested systems. The majority of the wetlands have been impacted to at least some degree by existing adjacent development and drainage.
 - d. Initial Project Description As Shown on the Application: The applicant proposes to permanently impact approximately 4.38 acres of wetlands and 3.93 acres of surface waters, and temporarily impact 0.06 acre of wetlands, to construct two additional travel lanes along an approximately 4.26-mile section of US 17, with attendant stormwater management facilities. As mitigation for these impacts, the applicant proposes to purchase 2.08 wetland functional units from the Boran Ranch and Peace River Mitigation Banks.
 - e. Final Project Description: The applicant clarified that the final surface water impacts totaled 4.18 acres. Otherwise, the final project description is the same as the initial project description.
3. Project Purpose:

- a. Basic: To widen a section of an existing highway from two lanes to four lanes to provide improved transportation capacity.
 - b. Overall: To widen an approximately 4.26-mile long segment of US 17 in Charlotte and DeSoto Counties from two lanes to four lanes to meet a need for additional transportation capacity in that area and adjacent areas
4. Scope of Analysis: The overall area under consideration measures approximately 159 acres, including the wetlands described above. The entire alignment of the project is within a Florida panther dispersal pathway as described in the February 19, 2007, Florida Panther Effect Determination Key and shown on the associated maps.
5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344), as amended.
6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:
 - a. State water quality certification (WQC): The Southwest Florida Water Management District (SWFWMD) issued an Environmental Resource Individual Construction Permit (ERP) for the project on December 16, 2008.
 - b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a DEP/WMD permit certifies that the project is consistent with the CZM plan.
 - c. Other authorizations: No information has been received regarding any other authorizations that may be required.
7. Date of Public Notice and Summary of Comments:
 - a. Pre-application meeting(s): NA
 - b. Important dates: The Corps received the application for the project on August 14, 2007, considered it complete on August 17, 2007, and sent a public notice on June 24, 2008, to all interested parties including appropriate State and Federal agencies.
 - c. Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

- (1) U.S. Environmental Protection Agency (EPA): EPA did not respond to the public notice.
- (2) U.S. Fish and Wildlife Service (USFWS): The USFWS responded to the public notice and the Corps' request for coordination on July 14, 2008. The USFWS concurred with the Corps' 'may affect, not likely to adversely affect' determination for the eastern indigo snake and the wood stork, and stated that the proposed action will not significantly affect other fish and wildlife resources. The USFWS was did not have sufficient information for concurrence with the Corps' 'may affect, likely to adversely affect' determination for the Florida panther, and requested additional information, including a habitat conservation plan.
- (3) National Marine Fisheries Service (NMFS): The NMFS did not respond to the public notice
- (4) State Historic Preservation Officer (SHPO): The SHPO did not respond to the public notice.
- (5) State and local agencies: NA
- (6) Organizations: NA
- (7) Individuals: NA
- (8) Others Including Internal Coordination: NA

d. Response to the comments: The Corps coordinated the USFWS panther comments and RAI with the applicant on August 22, 2008.

e. Additional Coordination of Project Revisions: On October 3, 2008, the USFWS provided a comment letter stating that the applicant had proposed protection measures for the Florida panther, including the preservation and enhancement of 13.7 acres of panther habitat at the Platt-Branch Conservation Bank to provide 116.21 'Panther Habitat Units'. The letter also stated that based on these measures, the USFWS recommended changing the 'may affect, likely to adversely affect' determination for the Florida panther to a 'not likely to adversely affect' determination, in which case no further consultation would be necessary. No other coordination was necessary.

8. Alternatives

a. Avoidance: The current proposal has taken into consideration avoidance. The project site, alongside the existing road alignment, was the most practicable location for the activity.

b. Minimization: The project was planned and designed with a view to minimizing impacts to wetland resources.

c. Project As Proposed: The current project requires the placement of fill into waters of the United States to allow the applicant to address the need for improved infrastructure.

d. Conclusions of Alternatives Analysis: The applicant provided a functional analysis using the Uniform Mitigation Assessment Method (UMAM) stating that the proposed impacts will cause a loss of approximately 2.075 wetland functional units. The applicant proposes to purchase 2.08 mitigation bank credits from the Boran Ranch and Peace River Mitigation Banks to offset this functional loss. The applicant has provided an acceptable mitigation plan to compensate for unavoidable wetland impacts. The current proposal of 8.56 acres of permanent impacts to wetlands and surface waters and the purchase of 2.08 credits from the two mitigation banks is the least damaging, practicable alternative.

9. Evaluation of the 404(b)(1) Guidelines: The Corps reviewed the proposed project in accordance with the 404(b)(1) Guidelines. The review demonstrates that the Corps analyzed all of the alternatives and that the proposed alternative is the least environmentally damaging and practicable alternative considering expense, existing technology, and logistics. The project would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or affect a marine sanctuary. The Corps does not expect significant degradation and the applicant has taken all available practicable steps to minimize impacts.

10. Public interest review:

a. Public interest factors: The Corps reviewed all of the public interest factors including, but not limited to, the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. The Corps has determined that the proposed work will not adversely affect any of the public interest factors.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public and private needs include improved transportation infrastructure.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

d. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with utilization of the property would be permanent.

e. Threatened or endangered species: The proposed project is not likely to adversely affect the eastern indigo snake, the wood stork, and the Florida panther, and will not affect any other threatened or endangered species based on the information supplied by the applicant and the July 14, 2008, and October 3, 2008, comments from the USFWS.

f. Corps wetland policy: The proposed wetland alteration is necessary to realize the project purpose. The proposed work should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The proposed mitigation adequately offsets the wetland impacts. Therefore, the project is in accordance with the Corps wetland policy.

g. Cumulative and secondary Impacts: The issue of cumulative impacts has been addressed. The proposed impacts will not result in cumulative or secondary impacts to the remaining wetlands within the general area.

h. Corps analysis of comments and responses: The Corps did not receive any comments in response to the public notice. There are no unresolved issues.

11. Essential Fisheries Habitat (EFH): The project would not adversely affect Essential Fish Habitat.

12. Public Hearing Evaluation: No requests were received for a public hearing.

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

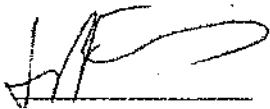
provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation in paragraph 8 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

d. Public Interest Determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

PREPARED BY:



JOHN P. FELLOWS
Project Manager, Tampa Section

REVIEWED BY:



Charles A. Schnepel
Chief, Tampa Section

REVIEWED BY:



STEPHEN R. SULLIVAN
Chief, South Permits Branch

APPROVED BY:



PAUL L. GROSSKRUGER
Commanding

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation - District One

Permit No: SAJ-2007-4765 (IP-JPF)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to permanently impact approximately 4.38 acres of wetlands and 4.18 acres of surface waters, and temporarily impact 0.06 acre of wetlands, to construct two additional travel lanes along an approximately 4.26-mile section of US 17, with attendant stormwater management facilities. As mitigation for these impacts, the applicant proposes to purchase 2.08 wetland functional units from the Boran Ranch and Peace River Mitigation Banks. The project is referenced by FDOT as FPID Number 415490-1.

Geographic Position (Center Point of Project):

Latitude 26.905789 N
Longitude -81.911505 W

Project Location: The project site involves proposed impacts to unnamed wetlands and surface waters located along US 17 from the Charlotte/DeSoto County line to SW Collins Street, in Section 1, Township 40 South, Range 23 East, Section 6, Township 40 South, Range 24 East, and Sections 18, 19, 30, and 31, Township 39 South, Range 24 East, and Sections 24, 25, and 36, Township 39 South, Range 23 East, in Charlotte and DeSoto Counties, Florida. The project is within the Peace River Watershed.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **January 26, 2014**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer,

you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: **U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, FL 33919.** The Permittee shall reference this permit number, SAJ-2008-4765 (IP - JPF), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Mitigation Credit Purchase:** Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall provide verification to the Corps that 0.93 federal non-forested wetland mitigation bank credit has been purchased from the Boran Ranch Mitigation Bank (SAJ-1996-1134) and 1.15 federal forested wetland mitigation bank credits have been purchased from the Peace River Mitigation Bank (SAJ-2000-2395). The required verification shall reference this project's permit number [SAJ-2006-4057 (IP-JPF)].

4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

6. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004, as attached to this permit.

7. **Florida Panther Protection Measures:** The Permittee has agreed to provide 116.21 'Panther Habitat Units' by preserving and enhancing 13.7 acres of panther habitat at the Platt-Branch Conservation Bank. Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall provide verification to the Corps that this compensation has been performed. The required verification shall reference this project's permit number [SAJ-2007-4765 (IP-JPF)].

Further Information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

James R. Wilford
(PERMITTEE)

02/05/09
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Charles A. Schnepel
(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army

02/05/09
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE - SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

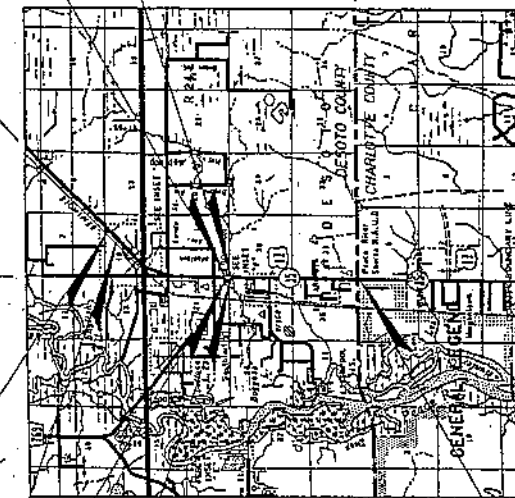
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

CONTRACT PLANS

FINANCIAL PROJECT ID 415490-1-52-01
(FEDERAL FUNDS)

DESOTO COUNTY (04020)

STATE ROAD NO. 35 (U.S. 17)
STATE EQUATION:
STA. 1245+63.54 BK.
CONST. U.S. 17 =
STA. 27+92.32 AH.
Q SURVEY



COMPONENTS OF CONTRACT PLANS SET

ROADWAY PLANS
SIGNING AND PAVEMENT MARKING PLANS
STRUCTURES PLANS

A DETAILED INDEX APPEARS ON THE
KEY SHEET OF EACH COMPONENT

INDEX OF ROADWAY PLANS

SHEET NO.	SHEET DESCRIPTION
1	KEY SHEET
2	NOTES TO REMEMBERS
3-7	SUMMARY OF F&P ITEMS
8-12	DRAINAGE MAPS
13-17	TYPICAL SECTIONS
18-20	SUMMARY OF QUANTITIES
21-22	OPTIONAL MATERIALS
23	REFERENCE POINTS
24-26	PROPOSED L&BUT - 8-CURVE DATA
27-29	GENERAL NOTES
30-35	PLAN - STREET PROFILES
36-37	SIDE STREET PROFILES
38-39	INTERSECTION DETAILS
40-41	DRAINAGE STRUCTURES
42-43	POND DETAIL SHEETS
44-45	DRAINAGE DETAIL SHEETS
46-47	CONTAMINATION SURVEY
48-49	ROADWAY - 50% SURVEY
50-51	CROSS SECTIONS
52-53	POND CROSS SECTIONS
54-55	STORMWATER POLLUTION PREVENTION PLAN
56-57	TRAFFIC CONTROL PLANS
58-59	UTILITY ADJUSTMENTS

CONFORM TO STANDARD SPECIFICATIONS
FOR CONSTRUCTION OF TRANSPORTATION,
DESIGN STANDARDS DATED 2005,
AND STANDARD SPECIFICATIONS FOR ROAD AND
BRIDGE CONSTRUCTION DATED 2004,
AS AMENDED BY CONTRACT DOCUMENTS.

NOTATIONS: 7-1-10

For Date:
Design St:
N1017/mw

SAJ-2007-4765 (IP-JPF)
FL DOT District One
Sheet 1 of 14
January 26, 2009

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2007

REG.
CE

LENGTH OF PROJECT	
LINEAR FEET	MILES
ROADWAY	20,659.69
BRIDGES	90.00
NET LENGTH OF PROJECT	20,749.69
EXCEPTIONS	0.00
GROSS LENGTH OF PROJECT	20,749.69

PROJECT LENGTH IS BASED ON E OF CONSTRUCTION U.S. 17

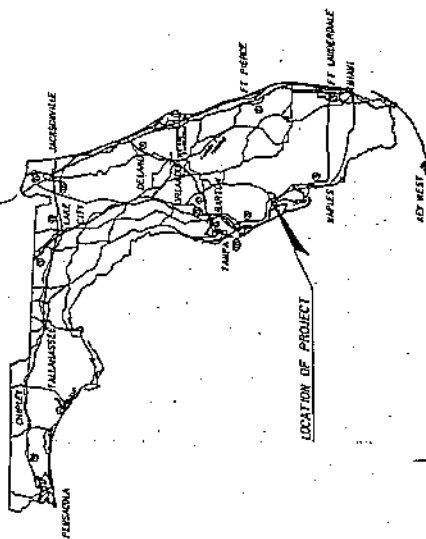
KEY SHEET REVISIONS	
DATE	DESCRIPTION

ROADWAY PLANS
ENGINEER OF RECORD: PAUL G. FOLLY, P.E.

P.E. NO. 40578

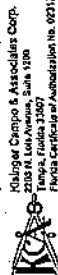
FISCAL YEAR	SHEET NO.
2007	1

FROM CHARLOTTE COUNTY LINE TO SOUTH COLLINS
FOOT PROJECT MANAGER: DAN PORTER



ROADWAY SHOP DRAWINGS
TO BE SUBMITTED TO:
KUSHER CAMP AND ASSOCIATES CORP.
2003 N. 10th AVE., SUITE 1200
TAMPA, FLORIDA 33607
PHONE: (813) 871-5331
FAX: (813) 871-5335

PLANS PREPARED BY:
KUSHER CAMP AND ASSOCIATES CORP.
CONSULTING ENGINEERS & PLANNERS
2003 N. 10th AVE., SUITE 1200
TAMPA, FLORIDA 33607
PHONE: (813) 871-5331
FAX: (813) 871-5335
LICENSING NO. 59-57745
CONTRACT NO. 03036



NOTES: THE SCALES OF THESE PLANS MAY
HAVE CHANGED DUE TO REPRODUCTION.

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE STRONG FILE SHEET AND SEALED UNDER RULE 6805-23.001, F.A.C.

GV:\Projects\848 US17\ERP\sheet1.mxd

LEGEND

- Proposed ROW
- Existing ROW
- wetlands and surface waters

3,000 1,500 0 3,000 Feet



Background Image: 2004 DOQQ-LABINS

Peace River

Begin Project

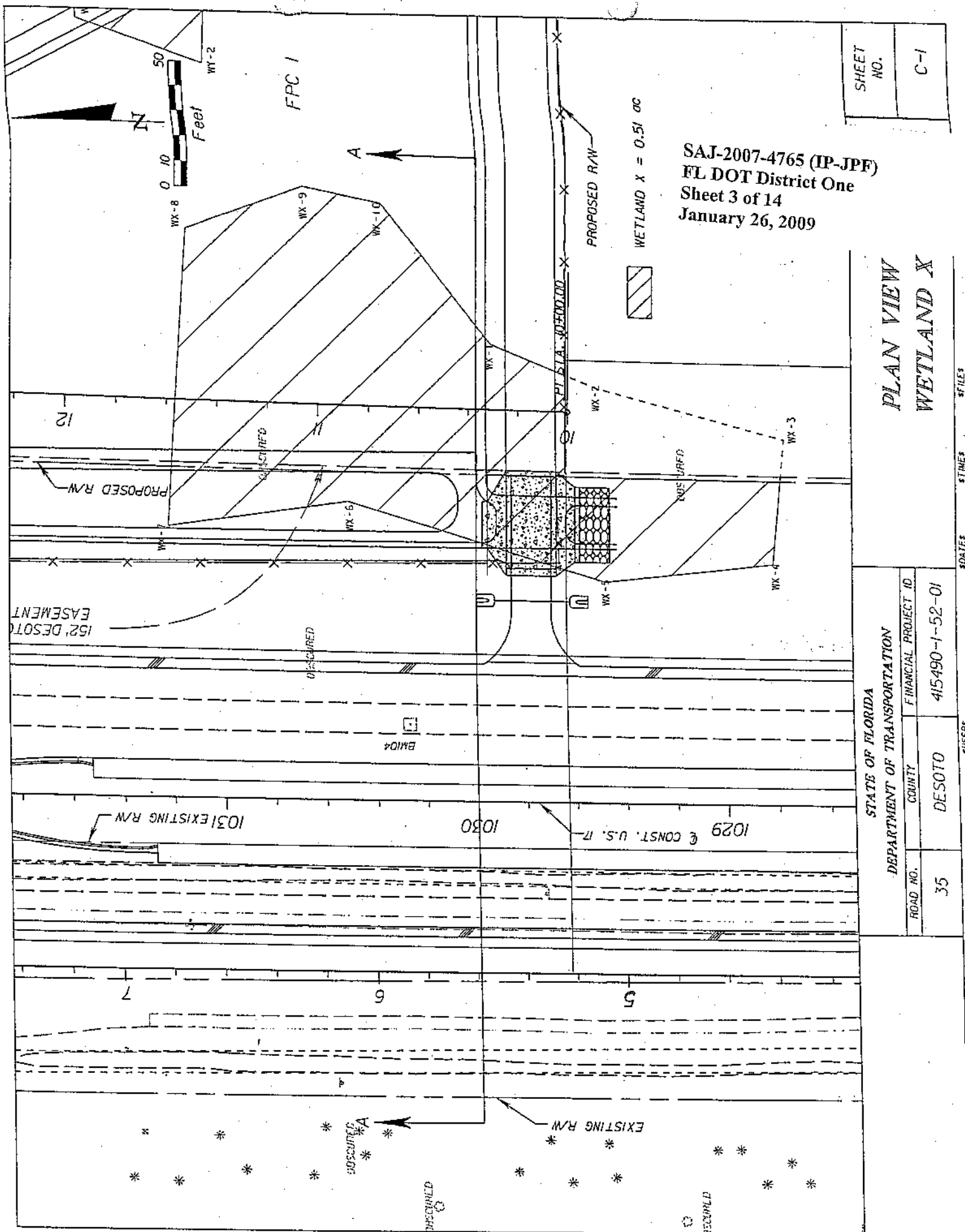
End Project

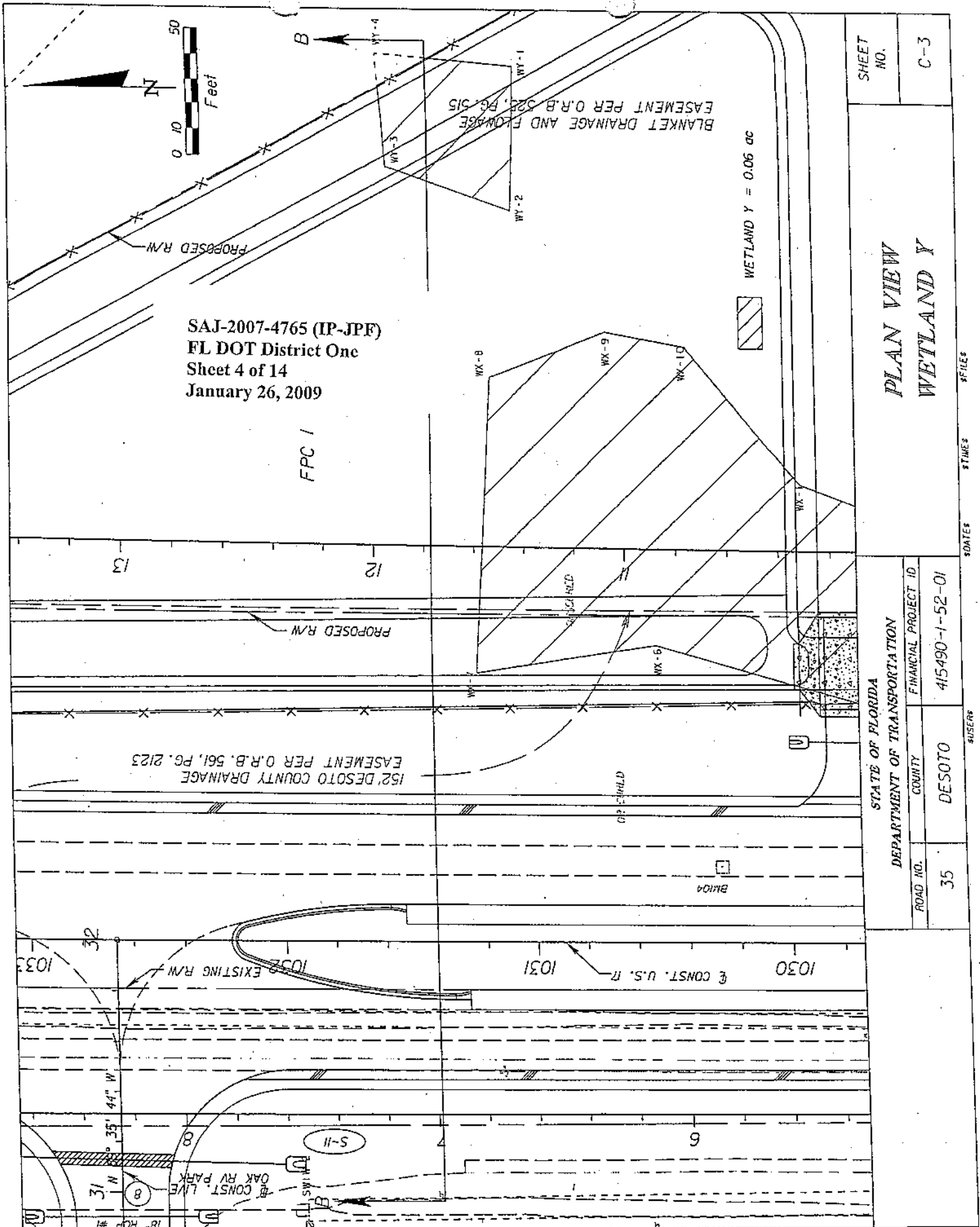
SR 35 (US 17) From 1700' South of the
Charlotte/DeSoto County Line to SW Collins
Roadway Reconstruction Project
Charlotte and DeSoto Counties, Florida
FPID 415490-1-52-01

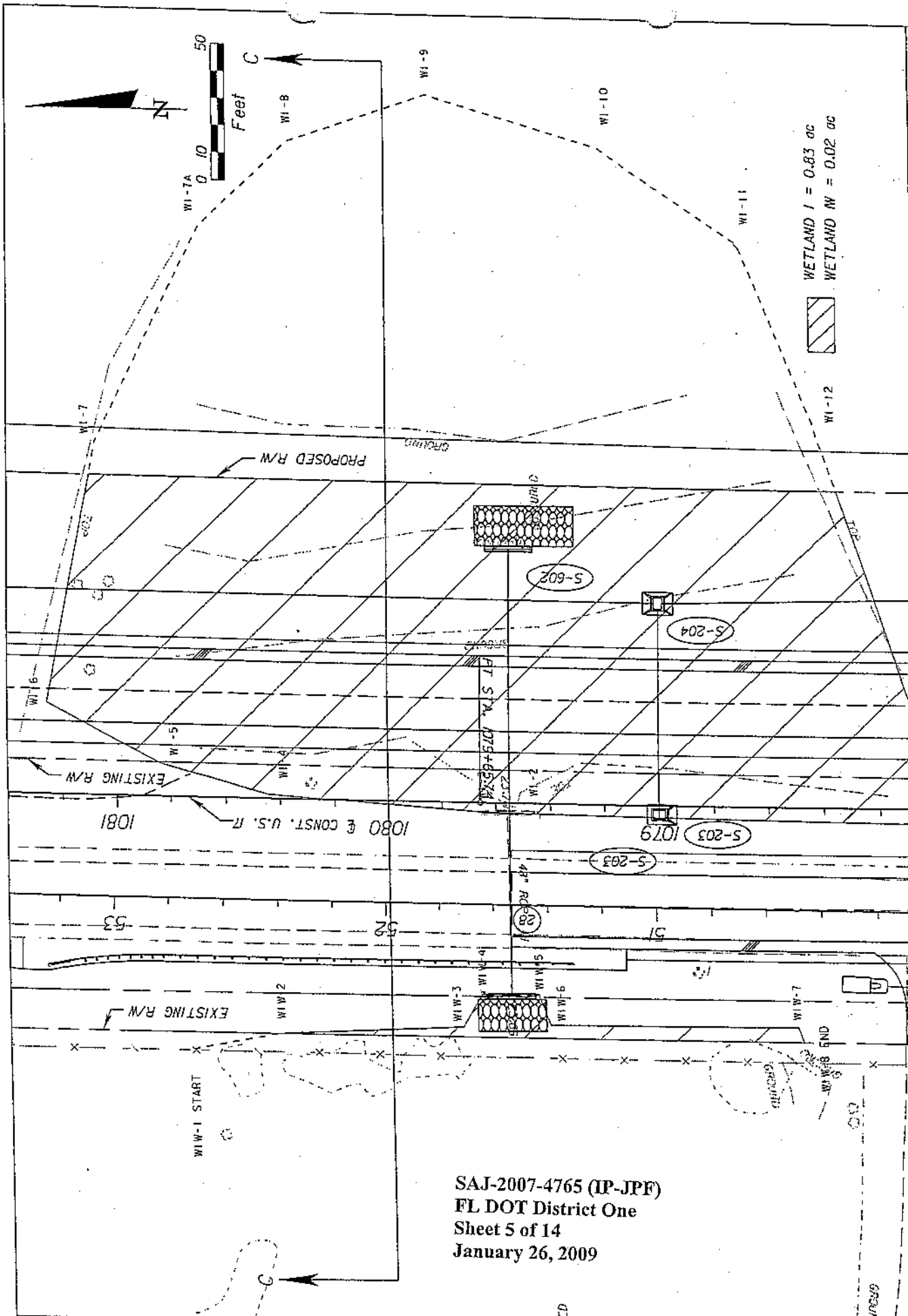
LOCATION MAP

Figure 1

SAJ-2007-4765 (IP-JPF)
FL DOT District One
Sheet 2 of 14
January 26, 2009







STATE OF FLORIDA			PLAN VIEW		SHEET NO.
DEPARTMENT OF TRANSPORTATION			WETLAND I & IW		C-5
ROAD NO.	COUNTY	FINANCIAL PROJECT ID			
35	DESDO	415490-1-52-01			

SAJ-2007-4765 (IP-JPF)
 FL DOT District One
 Sheet 6 of 14
 January 26, 2009

SHEET
NO.

C-7

PLAN VIEW
 WETLAND 2 & 2W

STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION

FINANCIAL PROJECT ID

415490-1-52-01

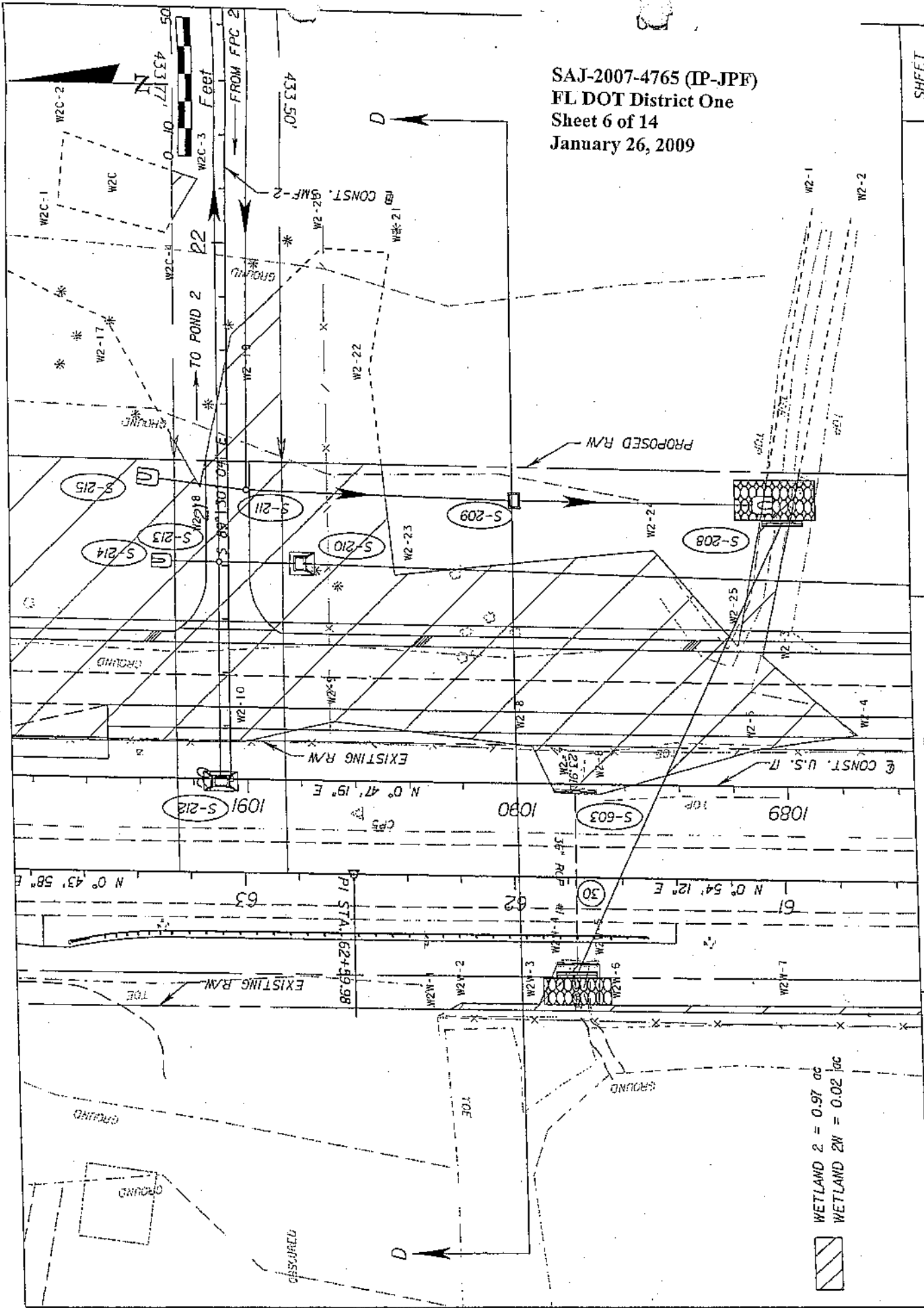
COUNTY

DE SOTO

ROAD NO.

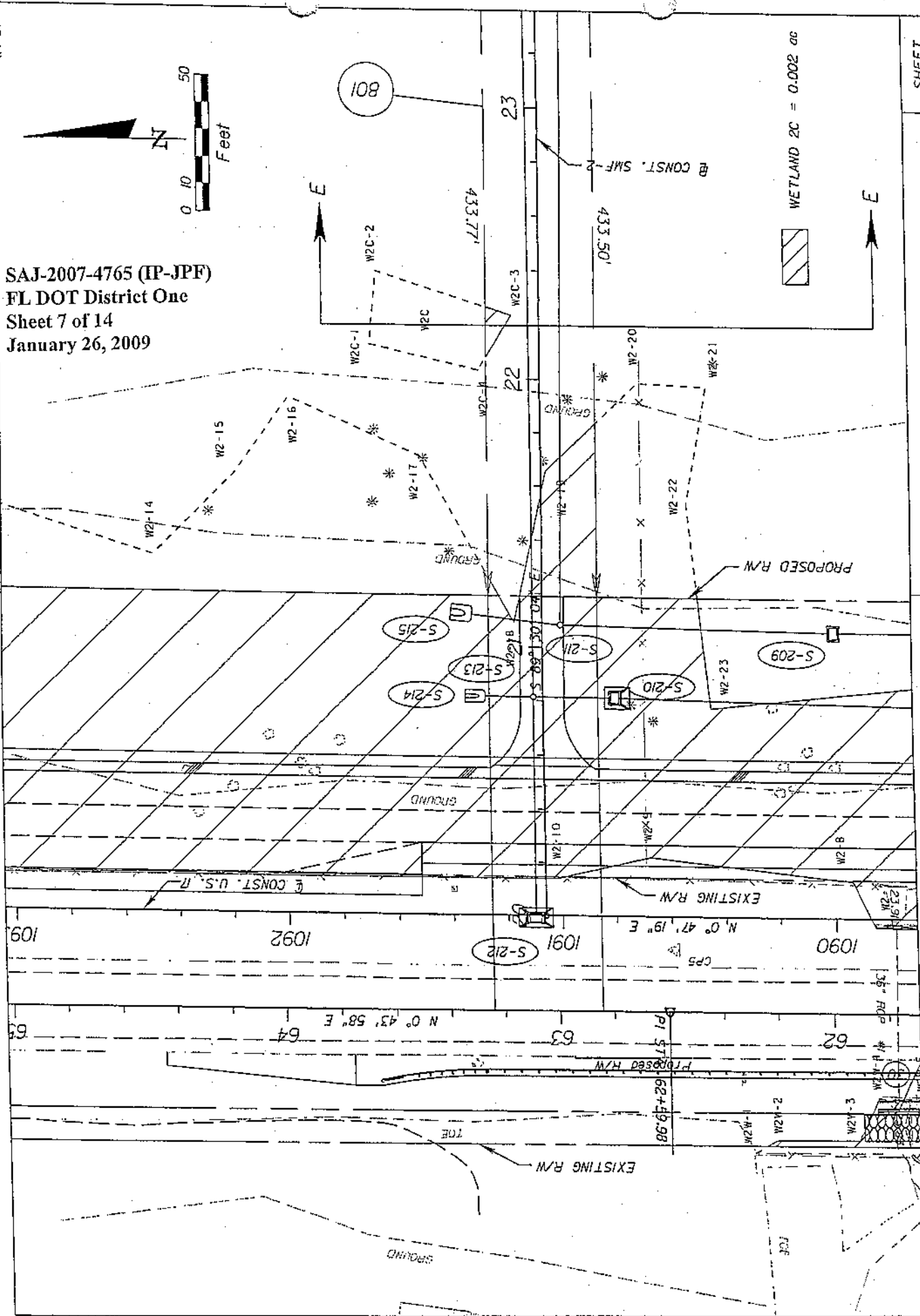
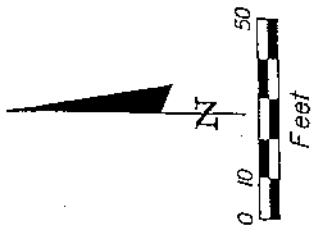
35

DATE\$ \$TIME\$ \$FILES\$ \$USERS\$



WETLAND 2 = 0.97 ac
 WETLAND 2W = 0.02 ac

SAJ-2007-4765 (IP-JPF)
 FL DOT District One
 Sheet 7 of 14
 January 26, 2009

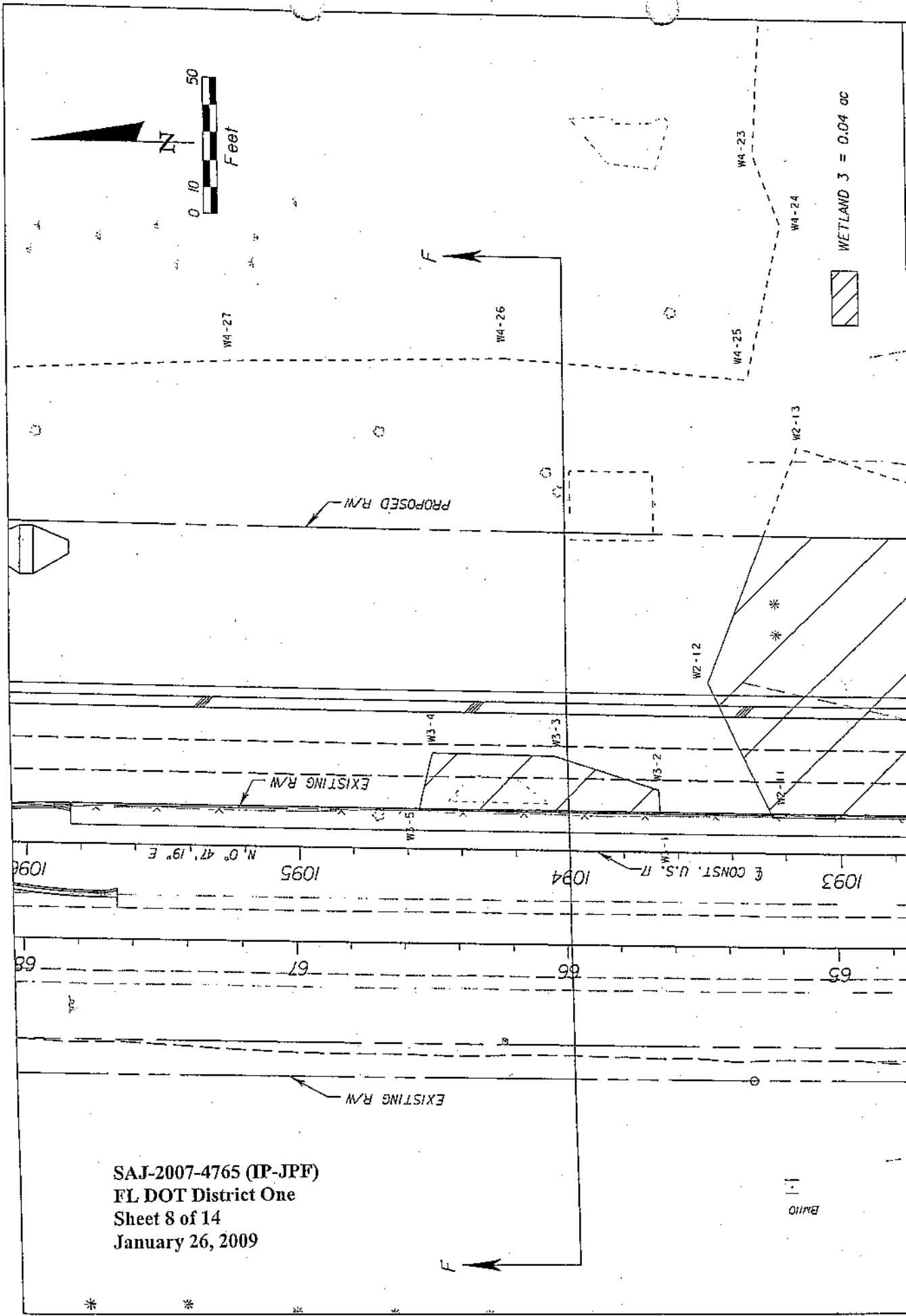


SHEET NO. C-9

PLAN VIEW
 WETLAND 2C

STATE OF FLORIDA		
DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID.
35	DESOTO	415490-1-52-01

DATE: 1/26/09 BY: JPF



SAJ-2007-4765 (IP-JPF)
 FL DOT District One
 Sheet 8 of 14
 January 26, 2009

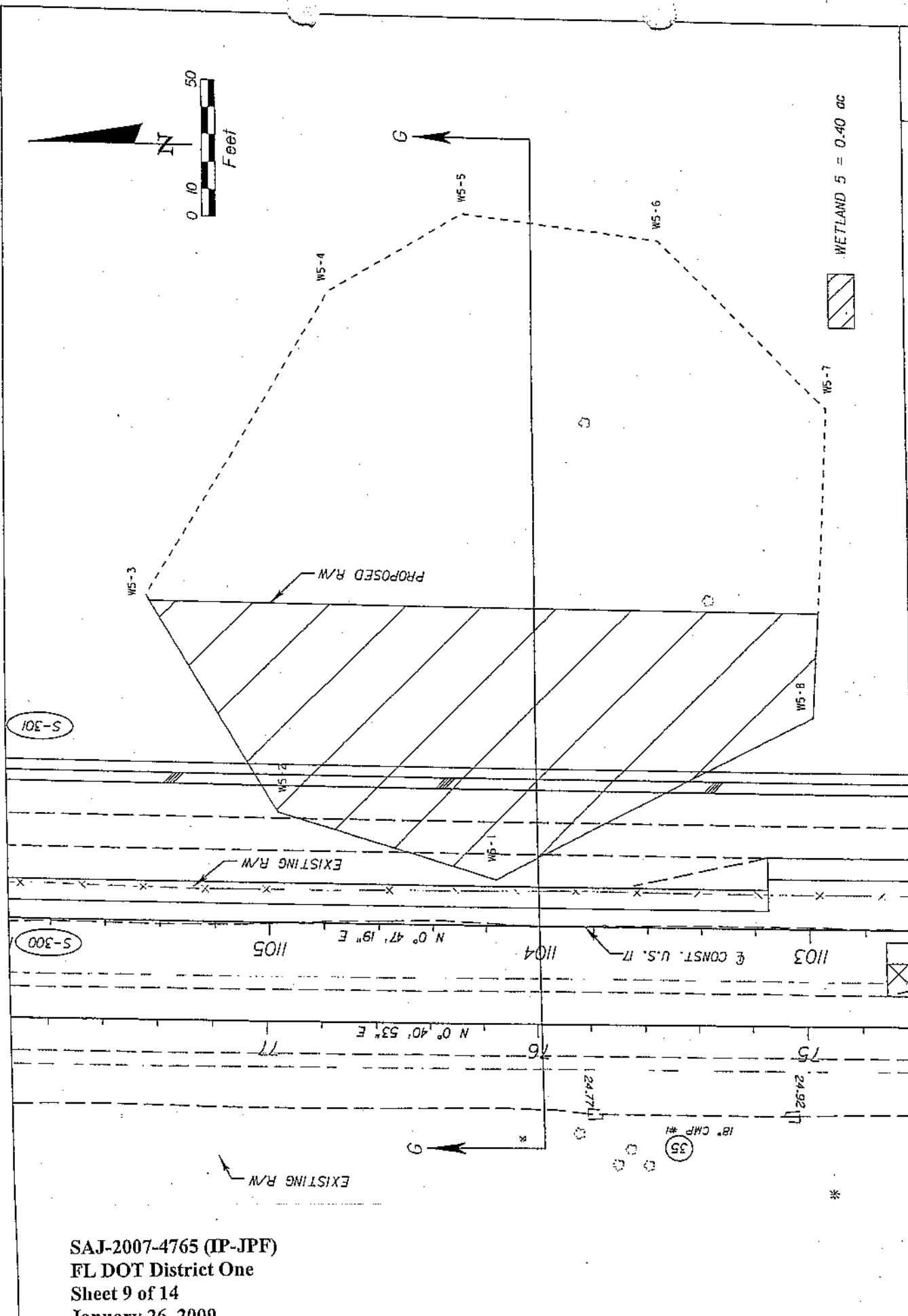
SHEET NO.
 C-II

PLAN VIEW
 WETLAND 3

STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION

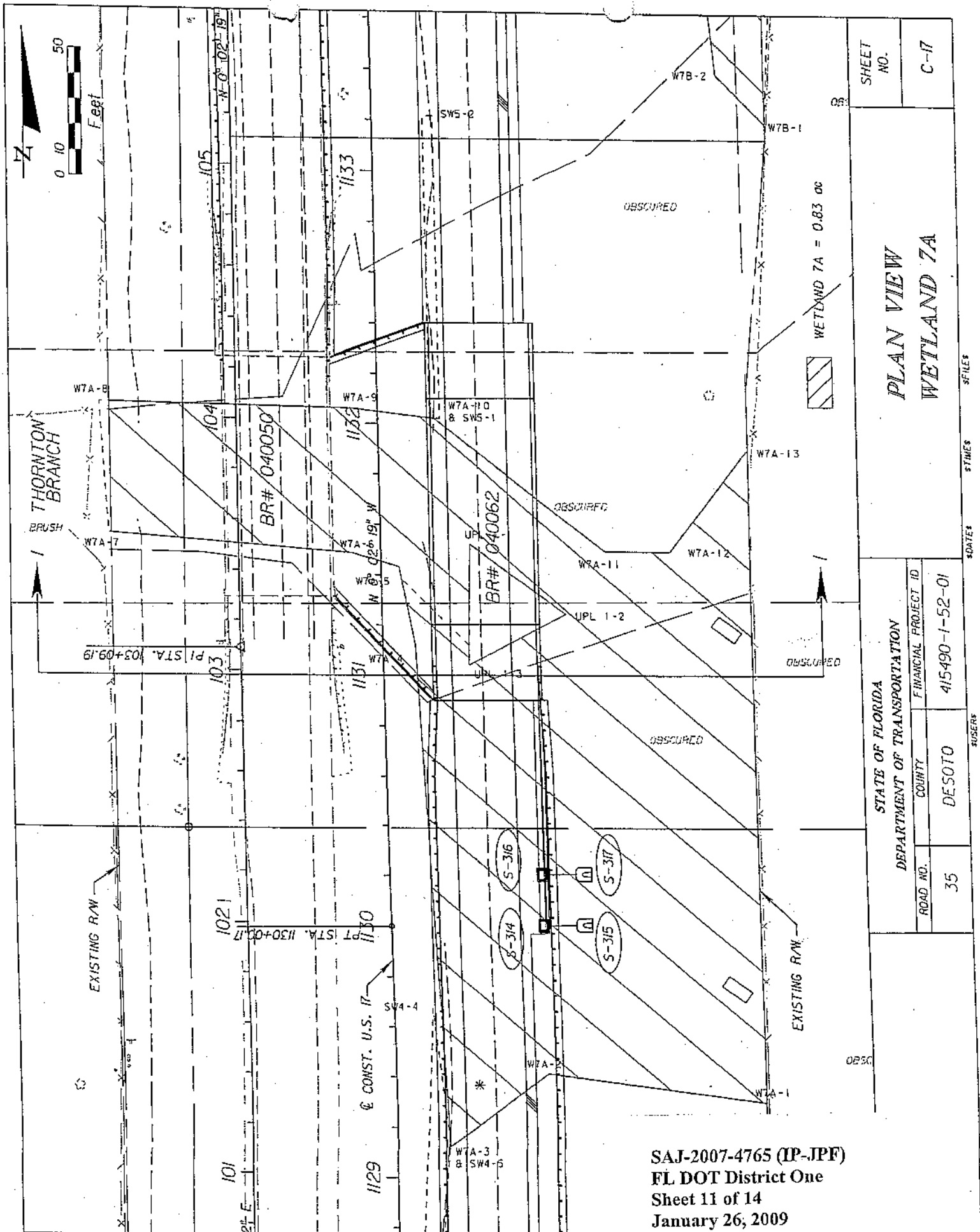
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
35	DESDO	415490-1-52-01

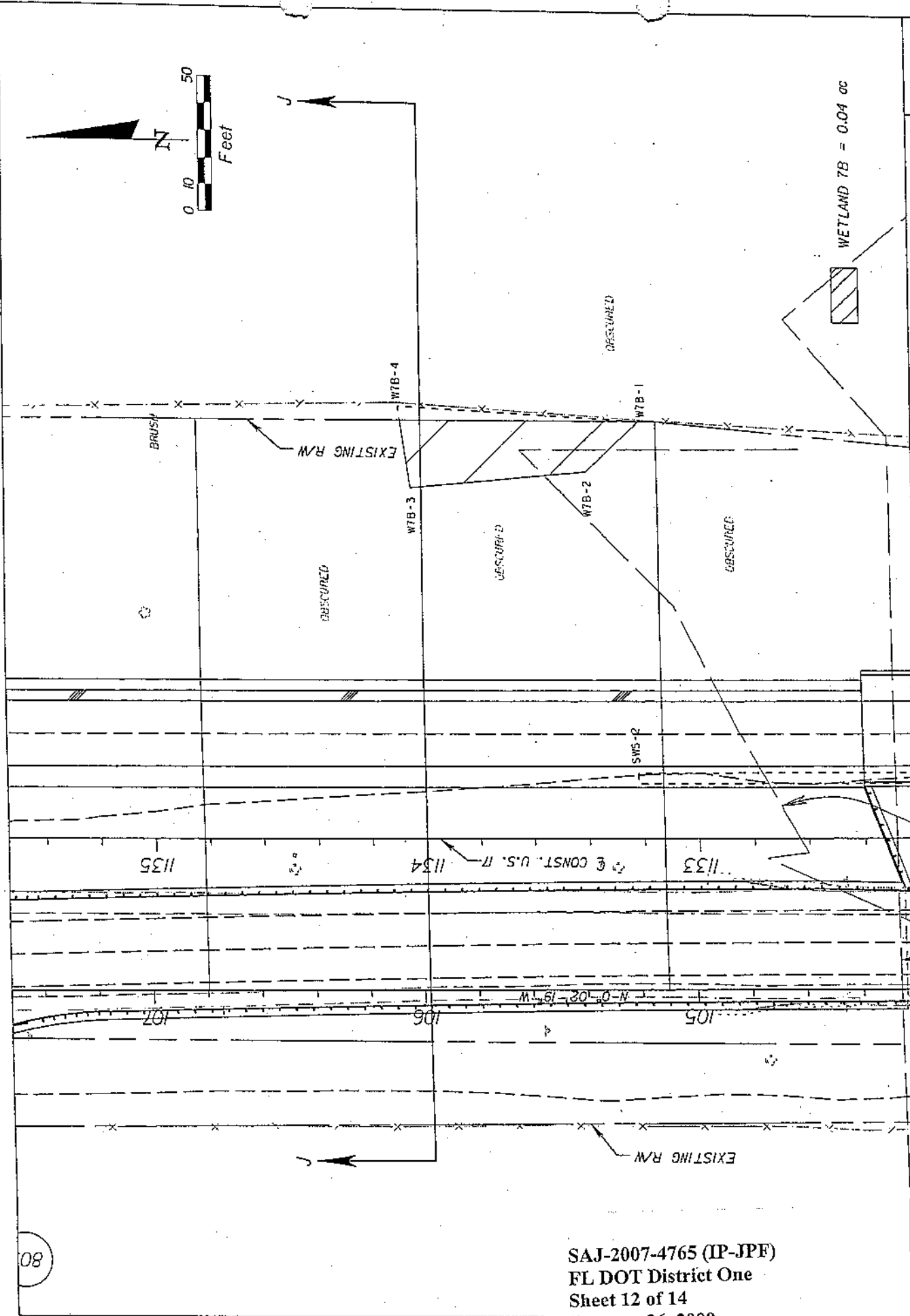
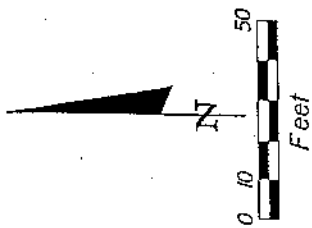
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PLAN VIEW WETLAND 5		SHEET NO.	C-13
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		ROAD NO.	35
FINANCIAL PROJECT ID		COUNTY	DESOTO
415490-1-52-01			

SAJ-2007-4765 (IP-JPF)
 FL DOT District One
 Sheet 9 of 14
 January 26, 2009





WETLAND 7B = 0.04 AC

SHEET NO. C-19

PLAN VIEW
WETLAND 7B

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
35	DESO TO	415490-1-52-01

DATE\$ \$TIME\$ \$FILES\$ \$SHEET\$ \$SHEET\$

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A horizontal scale bar with alternating black and white segments. It is labeled with '0', '10', and '50' at the top, and the word 'Feet' is written vertically to the right of the bar.

C-21

PLAN VIEW
WETLAND 8A & 8W

[illegible]

11/15/2011

STATE OF FLORIDA

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

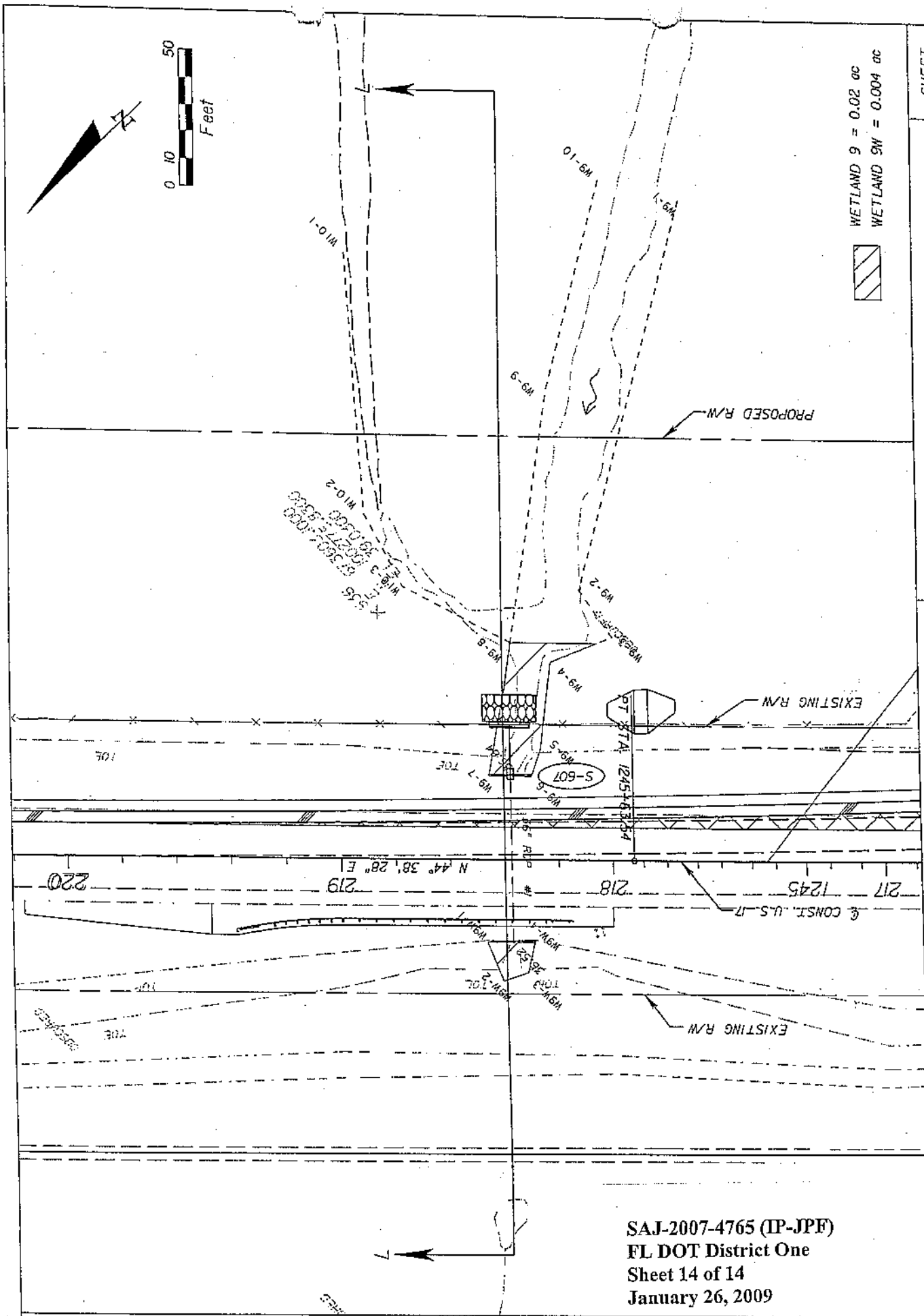
FINANCIAL PROJECT ID

COMPUTATION

415490-1-52-01

35

H-126



SHEET NO. C-23

PLAN VIEW WETLAND 9 & 9W

STATE OF FLORIDA		
DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
35	DESOTO	415490-1-52-01

SAJ-2007-4765 (IP-JPF)
FL DOT District One
Sheet 14 of 14
January 26, 2009

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT (ERP) AND
SOVEREIGN SUBMERGED LAND AUTHORIZATION (SL)
INDIVIDUAL CONSTRUCTION SURFACE WATER MANAGEMENT SYSTEMS
PERMIT NO. 43013044.006
AND
SOVEREIGNTY LANDS PUBLIC EASEMENT

ERP Expiration Date: December 16, 2013	PERMIT ISSUE DATE: December 16, 2008
SL Expiration Date: N/A	

This permit, issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and Chapter 40D-4, Florida Administrative Code, (F.A.C.), authorizes the Permittee to perform the work outlined herein and shown by the application, approved drawings, plans, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District).

Authorization is granted to use sovereign submerged lands as outlined herein and shown by the application, approved drawings, plans, and other documents attached hereto and kept on file at the District under the provisions of Chapter 253, F.S., and Chapter 18-21, F.A.C., as well as the policies of the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). This approval does not disclaim any title interests that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as other applicable statutory or rule requirements implemented by the Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

All construction, operation, and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: FDOT - SR 35 (US 17) from DeSoto County Line to SW Collins

GRANTED TO: Florida Department of Transportation
Post Office Box 1249
Bartow, FL 33831-1249

ABSTRACT: This permit authorizes the construction of a surface water management system to serve a 159.00-acre road project known as FDOT - SR35 (US17) from DeSoto County Line to SW Collins. The project spans a 4.61-mile section of SR 35 (US 17) from Farm Road in Charlotte County, extending north to Collins Street (129th Street) in DeSoto County. The project includes expansion of SR 35 from two lanes to four lanes and the construction of a second bridge preempting 3,870 square feet over Thornton Branch, which has been designated as sovereign submerged lands. The construction and use of the second bridge will require the long term use of sovereign submerged lands through the modification of an existing public easement (Public Easement No. 29226) preempting a new total of 7,740 square feet of sovereign submerged lands. Information regarding the surface water management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

OP. & MAINT. ENTITY: Florida Department of Transportation

COUNTIES: Charlotte, DeSoto

WATERBODY NAME: Thornton Branch

Permit No.: 43013044.006
Project Name: FDOT - SR 35 (US 17) from DeSoto County Line to SW Collins
Page: 2 of 10

AQUATIC PRESERVE: None

SEC/TWP/RGE: 18, 19, 30, 31/39S/24E; 13, 24, 25, 36/39S/23E; 6/40S/24E; 1/40S/23E

TOTAL ACRES OWNED
OR UNDER CONTROL: 159.00

PROJECT SIZE: 159.00 Acres

LAND USE: Road Project

DATE APPLICATION FILED: August 1, 2007

AMENDED DATE: N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
1	4.57	Wet Detention
2	2.50	Wet Detention
3	3.06	Wet Detention
4	1.57	Wet Detention
5	4.62	Wet Detention
Treatment Swale	1.52	On-Line Retention
FPC-1	2.26	Attenuation Only
FPC-2	3.94	Attenuation Only
FPC-3	3.31	Attenuation Only
TOTAL	27.35	

Comments: The project consists of widening the existing two-lane rural roadway section to a proposed four-lane divided rural section along a 4.61-mile section of SR 35 (US 17) from just south of the Charlotte/DeSoto County line and extending north to SW Collins Street (129th Street). One additional bridge will be constructed over Thornton Branch to accommodate the new roadway section. The existing Thornton Branch Bridge was previously permitted under Environmental Resource Permit (ERP) No. 47011812.001 issued on May 6, 1998, and entitled SR 35 U.S. 17 Bridge Replacement Over Thornton Branch. The proposed improvements include modification of the existing control structure for Pond 3N; Pond 3N is an existing wet detention pond previously permitted under ERP No. 44013044.002 issued February 25, 2003, and entitled FDOT SR 35 (U.S. 17) from CR 764 (North) to Charlotte/DeSoto County Line. Proposed Pond No. 1 will replace existing Pond-1 located just north of the Charlotte/DeSoto County line; existing Pond-1 was previously permitted under ERP No. 44024601.001 issued September 4, 2003, and entitled FDOT - DeSoto County Roadway Improvement Project (Project Prairie). FPC-1, FPC-2, and FPC-3 are proposed floodplain compensation ponds.

A mixing zone is not required.
A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result (feet)
12.12	19.36	EE	0.00

EE = Equivalent Excavation to offset project filling per Section 4.4 of the District's Basis of Review

Comments: According to FEMA floodplain determinations, portions of the project lie within Flood Zone A. Historic basin storage impacts associated with impacts to onsite wetlands and other surface waters are included in the hydrologic/hydraulic drainage modeling.

III. Environmental Considerations

Wetland/Other Surface Water Information

Count: 32

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
SW 1	0.39	0.14	0.25	0.00	0.00	0.00
SW 10	0.01	0.00	0.01	0.00	0.00	0.00
SW 11	0.03	0.00	0.03	0.00	0.00	0.00
SW 12	0.03	0.00	0.03	0.00	0.00	0.00
SW 13	0.04	0.00	0.04	0.00	0.00	0.00
SW 14	0.01	0.00	0.01	0.00	0.00	0.00
SW 15	0.04	0.00	0.04	0.00	0.00	0.00
SW 1A	0.21	0.00	0.21	0.00	0.00	0.00
SW 1B	0.05	0.00	0.05	0.00	0.00	0.00
SW 1W	0.17	0.00	0.17	0.00	0.00	0.00
SW 2	0.48	0.00	0.48	0.00	0.00	0.00
SW 2W	0.04	0.00	0.04	0.00	0.00	0.00
SW 3	2.39	0.00	2.39	0.00	0.00	0.00
SW 4	0.05	0.00	0.05	0.00	0.00	0.00
SW 5	0.01	0.00	0.01	0.00	0.00	0.00
SW 8	0.18	0.00	0.18	0.00	0.00	0.00
SW 9	0.02	0.00	0.02	0.00	0.00	0.00
Wetland 1 & 1W	0.85	0.00	0.85	0.48	0.00	0.00
Wetland 2	0.97	0.00	0.97	0.52	0.00	0.00
Wetland 2C/ 9W	0.02	0.00	0.02	0.00	0.00	0.00
Wetland 2W	0.02	0.00	0.02	0.00	0.00	0.00
Wetland 3	0.04	0.00	0.04	0.00	0.00	0.00
Wetland 5	0.40	0.00	0.40	0.23	0.00	0.00
Wetland 7	0.11	0.00	0.11	0.00	0.00	0.00
Wetland 7A	0.77	0.00	0.77	0.40	0.00	0.00

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland 7A-T	0.05	0.00	0.00	0.00	0.06	0.00
Wetland 7B	0.04	0.00	0.04	0.00	0.00	0.00
Wetland 8A	0.59	0.00	0.59	0.28	0.00	0.00
Wetland 8W	0.04	0.00	0.04	0.02	0.00	0.00
Wetland 9	0.02	0.00	0.02	0.01	0.00	0.00
Wetland X	0.51	0.00	0.51	0.14	0.00	0.00
Wetland Y	0.06	0.00	0.06	0.00	0.00	0.00
TOTAL	8.65	0.14	8.45	2.08	0.06	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments: The project area contains 16 wetlands totaling 4.50 acres, and 17 upland-cut ditches totaling 4.18 acres. Permanent filling impacts are proposed to 4.44 acres of wetland habitat for roadway widening within an existing public right-of-way. Five of these wetlands (Wetlands Y, 2C, 3, 7, and 7B) proposed for permanent filling impacts are isolated, less than 0.50 acre in size and total a combined 0.26 acre. Permanent impacts are also proposed to 4.18 acres of upland-cut ditches. Temporary impacts of 0.06 acre are proposed for machinery staging during road construction. The results of the Uniform Mitigation Assessment Method (UMAM) analysis, pursuant to Chapter 62-345, F.A.C., identified a functional loss of 2.08 for the proposed wetland impacts.

Mitigation Information

Count of Mitigation: 2

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Boran Ranch Mitigation Bank	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.93
Peace River Mitigation Bank	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.15
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.08

Mitigation Comments: Wetland mitigation will be provided by the purchase of 0.93 non-forested wetland mitigation bank credits from the Boran Ranch Mitigation Bank, ERP No. 49014074.000, and 1.15 forested wetland mitigation bank credits from the Peace River Mitigation Bank, ERP No. 43029983.000. The results of the UMAM analysis indicates a relative functional gain of 2.08. The UMAM analysis determined that the mitigation provided by the permit adequately offsets the project's proposed impacts to functional wetland habitat. Temporary wetland impacts of 0.06 acre will be restored as per condition of this permit. Wetland mitigation is not required for 0.26 acre of impacts to isolated wetlands Y, 2C, 3, 7, and 7B pursuant to Subsections 3.2.2.1 of the Basis of Review. Under this subsection, wetland mitigation is not required for impacts to isolated wetlands that are not connected by standing or flowing water to other wetlands so that they are greater than one-half acre in size, are not used by threatened or endangered species, are not located in an Area of Critical State Concern, and are of minimal value to fish and wildlife. Wetland mitigation is also not required for the 4.18 acres of upland-cut ditches pursuant to Subsections 3.2.2.2 of the Basis of Review. Under this subsection, wetland mitigation is not required for impacts to upland-cut ditches that do not provide significant habitat for threatened or endangered species and were not constructed to divert natural stream flow.

A regulatory conservation easement is not required.

IV. Sovereign Submerged Lands.

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
Bridge Construction	7,740 square feet	-0- cubic yards	N/A
TOTAL	7,740 square feet	-0- cubic yards	N/A

Shoreline Length: There is a total of 520 linear feet of shoreline located within the Thornton Branch right-of-way. Currently, SR 35 crosses state sovereign submerged lands (SSL) of Thornton Branch by way of a single, two-lane bridge. This two-lane bridge over Thornton Branch has an existing SSL proprietary public easement (No. 29226) comprising a total of 36,969 square feet with an existing pre-empted area of 3,870 square feet for the two-lane bridge crossing. This Consolidated ERP accounts for the new pre-empted area, which includes 3,870 square feet for the new two-lane bridge crossing. This Consolidated ERP authorization will allow FDOT to modify its existing FDEP SSL proprietary public easement No. 29226 to include the entire pre-empted area of 7,740 square feet. The existing single, two-lane bridge comprising 3,870 square feet of SSL will be replaced and service south bound traffic, while this new two-lane bridge to be constructed will comprise another 3,870 square feet and service northbound traffic. The new pre-emption area for four lanes will comprise a total of 7,740 square feet. The construction of the new two-lane bridge will be located along the east side the existing bridge.

A proprietary conservation easement is not required.

SPECIFIC CONDITIONS

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Sarasota Regulation Department
Southwest Florida Water Management District
6750 Fruitville Road
Sarasota, FL 34240-9711

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.

3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.

4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Sarasota Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1.659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
6. The Permittee shall monitor and maintain the wetland mitigation areas until the criteria set forth in the Wetland Mitigation Success Criteria Conditions above are met. The Permittee shall perform corrective actions identified by the District if the District identifies a wetland mitigation deficiency.
7. The Permittee shall undertake required maintenance activities within the wetland mitigation areas as needed at any time between mitigation area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Mitigation Success Criteria Conditions above. Herbicides shall not be used without the prior written approval of the District.
8. The construction of all wetland impacts and wetland mitigation shall be supervised by a qualified environmental scientist/specialist/consultant. The Permittee shall identify, in writing, the environmental professional retained for construction oversight prior to initial clearing and grading activities.
9. Wetland buffers shall remain in an undisturbed condition except for approved drainage facility construction/maintenance.
10. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:
 - a. wetland and surface water areas;
 - b. wetland buffers; and,
 - c. limits of approved wetland impacts.

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

11. Wetlands X, Y, 1, 1W, 2, 2W, 2C, 3, 5, 7, 7A, 7B, 8A, 8W, 9 and 9W and Surface Waters SW1A, SW1B, SW1, SW1W, SW2, SW2W, SW3, SW4, SW5, SW8, SW9, SW10, SW11, SW12, SW13, SW14 and SW15 boundaries shown on the approved construction drawings shall be binding upon the Permittee and the District.
12. All construction is prohibited within the permitted project area until the Permittee acquires legal ownership or legal control of the project area as delineated in the permitted construction drawings.
13. The Permittee, the Florida Department of Transportation, shall submit to the District a site-specific plan for erosion and sediment control best management practices, pursuant to Section 104, FDOT Standard Specifications for Road and Bridge Construction. The plan shall include a dewatering plan with sediment sump sizing calculations, pump locations, pump capacities, as well as

discharge points, demonstrating that no adverse water quality/quantity impacts will result from the dewatering activities. The Construction Surface Water Management Plan shall be signed by the Permittee, and signed/sealed by a Florida Professional Engineer, pursuant to Section 2.8.4 of the ERP Basis of Review. The Permittee shall submit this plan and receive District approval prior to construction commencement.

14. The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule.

For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.

15. The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless otherwise approved by the District. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Surface Water Regulation Manager, Sarasota Service Office.
16. For dry bottom retention systems, the retention areas shall become dry within 72 hours after a rainfall event. If a retention area is regularly wet, this situation shall be deemed to be a violation of this permit.
17. The Special Ditch and Ponds 1, 2, 3, 4, 5, FPC-1, FPC-2 and FPC-3 will require impervious liners. The Permittee shall have a Professional Geotechnical Engineer provide written certification to the District that the selected liners are appropriate for the type and design approved in this permit. The Permittee shall also ensure that all liner installations are supervised by a licensed Professional Geotechnical Engineer who shall assure compliance with the liner manufacturer's specifications for liner installation requirements.
18. The Statement of Completion and as-built drawings for the project shall include a signed/sealed certification from the Geotechnical Engineer who supervised the liner installations, as required in Specific Condition No. 17 above. The certification shall include the as-built details of the special ditch and ponds, including dimensions, as well as top and bottom elevations of the liners.
19. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.
20. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.
21. The project proposes construction of works that are located in areas of hazardous waste contamination, as designated by the Florida Department of Environmental Protection (FDEP).

Construction is prohibited in the project area until the Permittee obtains written documentation from the FDEP clearly showing that the project can be constructed without causing or contributing to violations of State water quality standards. The Permittee shall provide such written documentation from the FDEP to the District, prior to initiating any construction in the project area.

22. Pursuant to Rule 40D-4.381(1)(p), F.A.C., should the FDEP or any other regulatory agency require changes to the permitted system, the Permittee shall be required to notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification of this permit is required.
23. The Permittee shall ensure that prior to the construction of wetland impacts, a Modification Short Form to the Boran Ranch Mitigation Bank (ERP No. 49014074.000) shall be submitted to the District for the withdrawal of 0.93 non-forested wetland credits, and from the Peace River Mitigation Bank (ERP No. 43029983.000) for 1.15 forested wetland credits, for FDOT - SR 35 From DeSoto County Line to SW Collins. The modification short form request shall reference the project name, FDOT - SR 35 From DeSoto County Line to SW Collins, (ERP No. 43013044.006), and the 2.08 credits to be withdrawn. Failure to submit these modification short forms requesting a credit withdrawal from the banks prior to the commencement of wetland impacts shall be a violation of this permit.
24. The District has requested that the Department of Environmental Protection's Recurring Revenue Section of the Bureau of Land Administration prepare the Public Easement instrument. Construction on sovereign submerged lands shall not begin until this instrument has been executed to the satisfaction of the District.
25. After receipt of the Statement of Completion and as-built drawings from the Permittee and prior to transfer to operation phase, the District shall inspect and evaluate the 0.06-acre temporary wetland impacts. The temporarily impacted wetland areas, as exhibited on the approved construction plans and discussed on Pages 3-7 of appendix H, and cross section described in appendix B, Pages B-12 and B-13, submitted on August 1, 2007, from Scheda Ecological Associates, Inc., will be restored to pre-existing conditions. The temporary impact area currently consists of open water, mud bottom stream bed prior to the secondary bridge construction. If the areas are not in compliance with the aforementioned construction plans, Florida Administrative Codes and/or Florida Statutes, corrective actions will be required to bring this matter into compliance within 60 days upon District notification of the deficiencies.
26. Monitoring for turbidity as measured in Nephelometric Turbidity Units (NTUs) shall be conducted for the duration of construction activities. Sampling will commence 24 hours before initiation of construction activities and continue at four hour intervals during construction, according to the approved water quality monitoring plan received on **October 10, 2008** by Kissinger Campo & Associates Corp. Turbidity monitoring reports will be submitted on a weekly basis to the District's Sarasota Regulation Department Surface Water Regulation Manager and/or Environmental Manager during relevant construction activities.
 - a. A minimum of four sampling sites will be established. The first located 50 feet downstream, the second located at the point of origin for turbidity, and the third located on the line equidistant between the first two locations. These sites shall be established on a transect extending down-current from the source.
 - b. Water samples will be collected from surface level, mid-depth and one foot above the surface bottom. *In water, which is less than three feet deep, mid-depth samples are sufficient;*

- c. The background sites will be collected at two locations marked by temporary stakes and shall be maintained for the duration of the sampling program. These sites cannot be changed without specific written authorization from the District's Sarasota Regulation Department; and,
 - d. If any violations of state water quality standards for turbidity occur, all dredging/filling activities will cease immediately. The violation will be reported to the District. The violation report will include the description of the corrective actions taken or proposed to be taken. a copy of all monitoring data sheets which indicate violations will be forwarded immediately to the District. Operations shall not resume until a compliance inspection by District personnel has been conducted and a set of samples has been taken which shows that the water meets the standards.
27. All samples will be collected with a Kemmerer, VanDorn or similar sampler, which is designated to collect in situ water samples. Samples must be maintained at four degree Celsius and allowed to warm to ambient temperatures before analyses. Samples must be analyzed within 24 hours of collection time. The following information must be recorded for each sample taken in a Monitoring Report:
- a. Site number;
 - b. Dates and time of day when sample was collected;
 - c. Total depth and sample depth;
 - d. Antecedent weather conditions, including wind direction and velocity; and,
 - e. Water stage and/or flow direction.
28. In addition to the above mentioned, each Turbidity Monitoring Report must include the following:
- a. A statement of methodology including types of sampling equipment and analytical instrumentation, preservation, and handling;
 - b. Permit number;
 - c. A map indicating numbered locations of all sampling sites;
 - d. Copies of the Quality Assurance/Quality Control log; and,
 - e. A statement by the Quality Control officer as to the authenticity of the data.
29. All turbidity monitoring reports shall be submitted to the Sarasota Regulation Department of the District, attention Environmental Manager within seven days of sample collection. All correspondence should include the Permittee name and permit number. Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
30. The following QA/QC protocol is required for each sample collected:
- a. All turbidity analysis shall be performed on instruments that can perform Nephelometric measurements;
 - b. The instrument must be calibrated each morning and each time the instrument is turned on, and recalibrated every four hours thereafter;
 - c. Calibrations must be performed against a blank, and at least one formalin or gel-type standard. The standard value should be in the same range as the sample readings;
 - d. All calibration procedures must be recorded in a permanent log book, and copies must be submitted with the data; and,
 - e. Date and time of collection, date and time of analyses, warm-up time, and the name of the analyst must be included in the log.


31. When a turbidity violation is found, construction operations may not resume until a set of samples has been taken which demonstrates that water quality standards designated above are no longer exceeded. Interim samples taken following the violation shall be taken in the same manner as the routine monitoring and the same locations. If samples demonstrate the water quality standards specified above for turbidity are still being violated, sampling shall continue at two-hour intervals until the interim samples demonstrate that no violation is occurring. The District's Sarasota Regulation Department Surface Water Regulation Manager and/or Environmental Manager shall be contacted initially upon water quality sampling standards being violated. Failure to report violations or to follow correct procedures before resuming work will constitute grounds for revocation of the District permit and may also render the Permittee subject to enforcement action.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

PROPRIETARY GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "B" are hereby incorporated by reference and the Permittee shall comply with them.



Authorized Signature

EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
4. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

6. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
7. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
8. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
9. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
10. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
11. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.
13. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
14. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

**ERP General Conditions
Individual (Construction, Conceptual, Mitigation Banks), General,
Incidental Site Activities, Minor Systems**

EXHIBIT "B"

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004